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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 357/2025 & CRL.M.A. 1773/2025 EXMP.**
VEER SINGH TANWAR & ORS.

.....Petitioners

Through: Mr.Dinesh Kumar Tiwari, Adv. with
Mr. Kunal Tanwar, Mr. Veer Singh Tanwar and
Mr. Himanshu Tanwar in person.

versus

**THE STATE GOVT. OF N.C.T. OF DELHI THROUGH, SHO OF
PS- MAIDAN GARHI & ANR.**

.....Respondents

Through: Ms. Richa Dhawan, APP for State
with SI Rahul and SI Dharam Singh, P.S. Maidan
Garhi.

Respondent no. 2 in person with his counsel
(appearance not given by the counsel)

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER
23.09.2025

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1. Petitioners herein seek the quashing of an FIR No. 123/2023 dated 24.03.2023 under Sections 308/34 registered at police Station Maidan Garhi, Delhi along with all the proceedings arising therefrom, on the basis of a family settlement cum agreement between the parties.
2. The complainant alleged that he was assaulted at his residence by the petitioners due to some construction work leading to the registration of the FIR in question. Parties are all stated to be family members.
3. Learned counsel for the petitioners submits that the parties, have



amicably settled the dispute *vide* settlement cum agreement dated 02.08.2023, which is placed on record (**Annexure-P-4**). He further submits that an affidavit of no objection to the quashing, deposited by respondent no. 2, has also been placed on record. It is further submitted that the terms of the said settlement have been complied with.

4. Learned counsel for respondent no.2 and Learned APP for the State concur with the factum of the quashing and thus submit that the present FIR deserves to be quashed.

5. In the aforesaid backdrop, I have heard learned counsel for the Petitioners and Respondent No.2, as well as, perused the material available on record.

6. The parties are present in the Court and I have interacted with them and it appears that they are from the same family being brothers. The dispute which was originally civil in nature, unnecessarily took the ugly turn giving the allegations a criminal colour.

7. On a query put to the complainant, he candidly submits that the matter has been settled out of his own free will, without any undue influence or coercion. He submits that minor injuries resulted from a cross-fight between both parties following a heated altercation, which led to the unsavoury incident. He further submits that although he did suffer injuries at the relevant time, they were later found to be minor in nature. He expresses regret for having invoked Section 308 of the IPC, now acknowledging that the ingredients of the said offence are not made out. In light of the settlement, he no longer wishes to pursue charges against the petitioners and would prefer to live amicably with them, maintaining the cordiality and goodwill arising from the settlement.



8. Upon hearing the parties and examining the nature of the dispute, it is borne out that the FIR was lodged out of a misunderstanding. Even on a plain reading, and in light of the candid statements of parties, it appears doubtful whether the essential ingredients of the offences invoked under the penal provisions are satisfied. In light thereof, I am of the view that the petition deserves to be allowed on that count as well.

9. Be that as it may, since the complainant does not wish to press charges against the petitioners and there is no incriminating material against them, the chances of conviction are almost negligible. Further criminal proceedings before the court and continuation of the trial would be an abuse of the process of law, especially where the parties have amicably settled their dispute which does not involve any public interest or interest of the society at large. It will be an exercise in futility and wasteful expense of public exchequer.

10. In such circumstances, continuation of proceedings may rather result in hostility between the parties and defeat the very purpose of such settlement.

11. Thus, in the premise, in the larger interest of justice, invoking inherent powers vested with this Court under Section 528 of the BNSS, it is deemed expedient to quash the FIR in question. Reference in this context may also be had to judgment rendered in the case of ***Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]***.

12. Consequently, the instant petition is allowed and FIR No. 123/2023 dated 24.03.2023 under Sections 308/34 IPC registered at police Station Maidan Garhi and the criminal proceedings arising there from are hereby quashed.



13. All pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

SEPTEMBER 23, 2025/acm